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## REMARKS/ARGUMENTS

### *35 U.S.C. 101 Rejection*

The Examiner has rejected claim 31 under 35 U.S.C. 101 arguing that the claimed invention is directed to non-statutory subject matter and suggesting that the reason for the rejection is a lack of computer readable medium needed for realizing the functionality claimed therein. Claim 31 has been amended to recite a computer readable medium having computer readable instructions stored thereon for realizing the functionality.

Applicant respectfully submits that claim 31, as amended, overcomes the Examiner's rejection and is now in allowable form. Allowance of this claim is respectfully requested.

### *35 U.S.C. 102 Rejection*

Claims 13-30 and 38-42 stand rejected under 35 U.S.C. 102(b) as being anticipated by Ford et al. (U.S. Patent 5,481,613). For the reasons that follow, it is respectfully submitted that these claims are novel over Ford et al.

With reference to independent claim 13, the Examiner alleges that the feature of "locating decryptor authorization logic stored externally to the decryptor with use of the key related information" is disclosed in Ford et al. in Figure 2 and at column 6, lines 50-55 and that the feature of "obtaining decryptor information in respect of the decryptor" is disclosed in Ford et al. at column 6, lines 56–66. The referenced passages of Ford et al. refer to obtaining "decryptor privilege attribute information" and provide examples of what that information can include. These include: authenticated identity, group membership, role membership, and clearance information. The Examiner has inferred that the decryptor privilege attribute information of Ford et al. is analogous to both the decryptor authorization logic and the decryptor information recited in claim 13. Lines 55-66 simply provide examples of the decryption privilege attribute information disclosed on lines 50-55. Therefore, both passages are referring to the same thing. With all due respect, this interpretation of the claims and prior art results in the illogical result of the decryptor authorization logic and the decryptor information

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having the same meaning. This is clearly an error.

The terms "logic" and "information" have been used by the Applicant throughout the claims and description in different contexts and it is clear that these terms are intended to have different meanings. For example, the limitation of "deciding based on the decryptor information and the decryptor authorization logic ..." in claim 13 would be nonsensical if these two terms did not have different meanings. In any event, the ordinary meaning of these terms, as understood by a person skilled in the art are clearly different. Information does not have any functionality, whereas logic can be applied to information or data to achieve a result.

As explained on page 13 of our response of December 13, 2005, the decryptor privilege attribute information is clearly not "decryptor logic". The passage from Ford et al. referred to on that page of the response, makes it clear that the decryptor attribute information is simply data that is used as the basis for a comparison. It is clearly wrong to interpret this term to be analogous to "logic" that can be applied to data. On page 15 of the description in describing a specific embodiment, it is stated on lines 1-4 that: "Each access identifier is associated with a set of rules (more generally, is associated with respective decryptor authorization logic)". Clearly, a set of rules is an example of logic. However, the decryptor privilege attribute information, as used in the context of Ford et al. could not be used to describe a set of rules. Therefore, the essential feature of "locating decryptor authorization logic stored externally to the decryptor" in claim 13 is not disclosed by the prior art and thus the test for anticipation has not been met.

As for independent claim 29, it also contains the limitation of "locating decryptor authorization logic stored externally to the decryptor". As explained above, this feature is not disclosed in Ford et al. Furthermore, claim 29 recites "applying the decryptor authorization logic to encrypt the decryption key to the decryptor information to determine whether the decryptor should be permitted access to the decryption key". The passage of Ford et al. cited by the Examiner as disclosing this feature actually discloses the application of Access Control Attributes (ACA) with the decryptor privilege attributes. The ACA is included in the ACD block with the key-release request - not stored externally. Ford et al. does not disclose applying logic retrieved from an external storage. Therefore, Ford et al. does not disclose all of the essential features of this claim and the test for anticipation has not been met.

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Regarding independent claim 30, this claims recites "maintaining a repository residing externally to the key release request associating each access identifier with respective decryptor authorization logic that can be applied to a decryptor information ... applying the decryptor authorization logic". As explained above, Ford et al. discloses neither decryptor authorization logic located externally to the decryptor nor its application to information and therefore, the test for anticipation has not been met.

With respect to independent claim 38, it recites "means for locating decryptor authorization logic store externally to the decryptor" and "means for deciding based on decryptor information of the decryptor and the decryptor authorization logic". These are means for implementing the method steps of claim 13 and therefore the claim is novel over Ford et al. for at least the same reasons given with respect to that claim. Specifically, Ford et al. does not disclose "decryptor authorization logic stored externally to the decryptor".

Claims 14-28 are dependent on claim 13 either directly or indirectly and therefore are novel over Ford et al. for at least the same reasons given with respect to claim 13. Claims 39-42 are dependent on claim 38 either directly or indirectly and therefore are novel over Ford et al. for at least the same reasons given with respect to claim 38.

Reconsideration and withdrawal of the rejections under 35 U.S.C. 102(b) is respectfully requested.

### *35 U.S.C. 103 Rejection*

Claims 1-12 and 31-37 stand rejected under 35 U.S.C. 103(a). Claims 12 and 34 are not pending and presumably they were included in error.

Claims 1-11 and 31 to 37 also include the feature of decryptor authorization logic stored external to the decryptor and therefore a *prima facie* case for obviousness has not been met because, all of the claim limitations have not been disclosed in the cited prior art.

Regarding claim 1, it recites "the decryptor generating a key release request ... for use by the key release agent to locate decryptor authorization logic stored externally to the key release that is to be applied". Once again, the passages from Ford et al. cited by the Examiner disclose

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attribute information and not decryptor authorization logic.

Regarding claim 31, it recites "a decryptor authorization logic definition function to allow the definition of decryptor authorization logic to be applied to decryptor information". The passage from Ford et al. cited by the Examiner discloses comparing attributes and not defining logic that can be applied to information, such as attributes.

Furthermore, on page 18 of the detailed action, the Examiner has argued that "the use of the ACD is not necessary to the operation of the key release agent releasing the decryption key to a decryptor". This statement is clearly incorrect; the ACD block contains the access control attributes that are applied to the decryptor privilege information (see col. 6 lines 56-62). Without the ACD block, the key release agent has nothing upon which to base its decision other than the privilege information.

Therefore, Applicant submits that claims 1 and 31, as well as the claims dependent thereon, are inventive over Ford et al. Reconsideration and withdrawal of the rejection of claims 1-11 and 31-33 and 35-37 under 35 U.S.C. 103 is respectfully requested.

Respectfully submitted,

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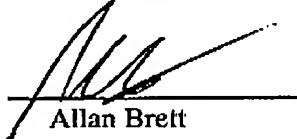
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